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FRANK C. NICHOLAS (313 983)  
Name of applicant, assignee or registered representative

  
Signature

July 27, 2006  
Date of Signature

PATENT  
Case No.: AUS920010390US1  
(9000/41)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:

KULVIR S. BHOGAL, ET AL.

Serial No.: 09/881,873

Filed: JUNE 14, 2001

Title: TRACKING COMMUNICATIONS  
USAGE TIME

Examiner: OMARY, NAWARA

Group Art Unit: 2683

REPLY BRIEF UNDER \$41.41

Mail Stop Appeal Briefs - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellants herewith respectfully present their Reply Brief on Appeal as follows:

July 27, 2005  
Case No.: AUS920010390US1 (9000/41)  
Serial No.: 09/881,873  
Filed: June 14, 2001  
Page 2 of 3

Pursuant to §41.41, Appellants opt to maintain their appeal of the rejections, as the Examiner has proffered no substantially new arguments or rejections in the Office Action of June 21, 2005.

Despite reopening prosecution, the Examiner makes no substantial changes to the previous rejections, such that the previous arguments advanced by Appellants are as valid today as prior to the Examiner's "response." The Board is directed to Appellants' prior filings for a full discussion.

The Examiner proffers only two new grounds – a "§112" objection and a §103(a) rejection of claim 32. Each rejection is traversed, and will be addressed individually.

The objection to claims 2 and 17 alleges that there is more than one modified call count shown or recited. While the Examiner fails to provide any statutory support for the objection, Appellants believe the Examiner to be relying on §112. Regardless, this allegation is unsupported, and Appellants provided ample antecedent basis for the claims. Appellants further note that the Examiner has had ample opportunity to issue this rejection previously, as this case has previously been before this Board, and the most recent office action is the Examiner's fifth action on this application. Withdrawal of the "§112" objection is requested.

The rejection of claim 32 as unpatentable over Lewis in view of Westerlage (the Examiner mistakenly identifies the reference as "Waterlage" in the June 21, 2005 office action). Claim 32 requires "storing the modified call count in the memory of a cellular telephone unit" which Lewis, contrary to the Examiner's assertion, plainly does not show. As Appellant noted in their Second Appeal Brief, filed April 12, 2005, the references, at most, teach storing a call count at a monitor attached to a conventional cellular mobile telephone. See, Lewis, column 5, lines 37-42.

As the Examiner has provided no supportable basis to reject claims 1-32 (Groups 1 and 2), this case should promptly pass to issue.

July 27, 2005  
Case No.: AUS920010390US1 (9000/41)  
Serial No.: 09/881,873  
Filed: June 14, 2001  
Page 3 of 3

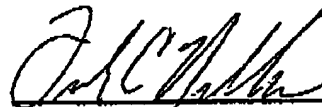
**SUMMARY**

The Appellants respectfully submit that claims 1-32 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: July 27, 2005

Respectfully submitted,  
Kulvir S. Bhogal, et al.

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